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RUEHC/DEPT OF INTERIOR WASHINGTON DC  
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RUEANAT/NASA WASHINGTON DC  
RUEHRC/DEPT OF AGRICULTURE WASHINGTON DC  
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UNCLAS SECTION 01 OF 03 HANOI 001706

SIPDIS

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DEPT FOR EAP/MLS, OES AND INL  
DEPT PASS USAID TO LAC/RSD, LAC/SAM, G/ENV, PPC/ENV  
AGRICULTURE FOR FOREST SERVICE: LMAHEW  
AGRICULTURE FOR ARS/INTERNATIONAL RESEARCH: GFLANLEY  
INTERIOR FOR DIR INT AFFAIRS: KWASHBURN  
INTERIOR FOR FWS: TRILEY  
INTERIOR FOR NPS: JPUTNAM  
INTERIOR PASS USGS FOR INTERNATIONAL: JWEAVER  
JUSTICE FOR ENVIRONMENT AND NATURAL RESOURCES: JWEBB  
EPA FOR INTERNATIONAL: MKASMAN

E.O. 12958: N/A

TAGS: [SENV](#) [EAGR](#) [EAID](#) [TBIO](#) [ECON](#) [SOCI](#) [VM](#)

SUBJECT: VIETNAM'S NASCENT ENVIRONMENTAL POLICE DEPARTMENT LACKS  
CAPACITY TO FULFILL MANDATE

REF: BRASILIA 1803

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¶1. 1. (U) Summary: Vietnam's new Environmental Police Department (EPD) reflects increasing awareness at high levels in the Government of Vietnam (GVN) of the environmental impacts of economic growth. The EPD has a broad mandate to target environmental violations throughout the country. However, limited resources and limited understanding of environmental enforcement procedures constrain its effectiveness. EPD officials eagerly seek USG guidance and possible support. We recommend environmental law enforcement training for the EPD modeled on ongoing USG training efforts around the world. End Summary.

Environmental Police Department (EPD)  
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¶2. (SBU) In a recent meeting with ESTHoff, Colonel Luong Minh Thao, Deputy Director of the Vietnam EPD in the Ministry of Security, reviewed the structure of the EPD and its recent participation in investigations and prosecutions for improper disposal of hospital waste and illegal wildlife trading. The EPD came into being on November 29, 2006, pursuant to a decision by the Minister of Public Security. Prior to that, EPD functions were part of the Economic Police Department. All EPD staff have been recruited from other investigatory forces and trained in environmental protection. On September 17, 2007, the Ministry decided to create EPDs in all 64 provinces, with the same duties and responsibilities as the national EPD. Currently, the EPD has over 100 staff members with plans to soon increase to 200. By 2010, provincial EPDs are expected to each include 30-70 staff, bringing total forces to over 3,000.

GVN Concerned About Pressures of Economic Development  
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¶3. (SBU) According to Thao, the Minister of Public Security created

the EPD in response to general concerns about the impact of economic development and societal change and not due to any specific pollution incidents. Rapid population growth, industrial development, traffic increases, and societal changes are putting new pressures on the environment. While Thao stated that the GVN did not believe that local environmental threats were very serious when compared to other countries or to potential pollution in the future, the GVN wants to move proactively to prevent possible impacts of pollution on the environment.

#### EPD Responsibilities

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¶4. (SBU) The GVN has tasked the EPD with investigating and detecting violations of Vietnamese and international environmental laws and preventing and fighting environmental crimes. Specifically, the Criminal Law of 1999 contains one article (Chapter 17), that covers environmental violations. Vietnamese law also requires the preparation of an environmental impact assessment (EIA) prior to the construction of a new facility/enterprise. EPD works with other environmental authorities to ensure entities construct facilities consistent with properly-prepared EIAs. EPD also monitors industrial facilities and other entities, such as hospitals, for compliance with regulations on waste management and disposal and emissions of pollutants.

#### Environmental Enforcement Coordination

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¶5. (SBU) The GVN created an environmental evaluation center to help coordinate environmental enforcement activities and the Ministry of Public Security issued guidance to harmonize enforcement efforts. However, according to Thao, coordination among relevant agencies remains informal, and may involve a simple telephone call letting another agency know of a potential problem. EPD works closely with five separate environmental protection forces in the Ministry of

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Natural Resources and Environment (MONRE), as well as with functional sections in the Departments of Health and Industry. During site investigations, EPD staff cooperates with the Vietnam Environmental Protection Agency (VEPA) under MONRE. When investigating violations of wildlife conservation provisions or forestry laws, the EPD works closely with the Forest Protection Department (under the Ministry of Agriculture and Rural Development).

#### Investigations

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¶6. (SBU) The EPD typically learns of possible violations from local citizens, cooperative agencies, or from undercover investigations. Though EPD does not have the capacity to take and analyze samples of materials suspected of violating regulations, other partner agencies perform this function. The EPD recently teamed with MONRE to investigate 50 factories at an industrial zone and discovered that several did not properly treat wastewater. In cooperation with VEPA, the EPD discovered that contractors at Hanoi-area hospitals were selling medical waste for recycling into consumer items. EPD also participated in the recent operation that netted the remains of four endangered tigers and numerous bears.

#### Punishments

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¶7. (SBU) According to Thao, investigations uncover 2 types of violations, serious and minor. Minor violations typically result in small administrative fines or efforts to educate violators. Serious violations may constitute criminal infractions. In the recent industrial zone investigation, minor violators only faced administrative fines. However, the EPD recommended that the GVN suspend permission to operate for two serious violators. The GVN will prosecute criminal violations in the courts, which Thao asserted have the capacity to handle environmental cases. At the same time, Thao conceded that the judiciary has little experience as most violations tracked by the EPD were not serious. Vietnam does

not have a specific court for environmental issues.

Request for U.S. Assistance  
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18. (SBU) Thao and his staff acknowledged that the EPD had little understanding of investigatory practices and procedures specific to environmental issues and inquired about the structure and procedures of the U.S. environmental regulatory system. Col. Thao requested assistance to train his staff on basic investigatory principles and in helping Vietnam to develop the necessary regulatory and enforcement regime to protect the environment. He noted that he had previously received counter-narcotics training and wondered if such training could be modified for environmental protection.

Comment  
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19. (U) Vietnam is starting to recognize the need to balance economic growth with environmental protection, but has little practical knowledge of how to do so. An effective environmental regulatory system, with competent enforcement agencies, will promote responsible industrialization, buttress ongoing USG efforts to enhance public health, protect fragile and unique ecosystems, and reassure foreign (including U.S.) investors concerned with vague regulations and haphazard enforcement. Within the constraints of our ability to help, we recommend that the USG consider providing the requested assistance. EPD officers would benefit from related training at the International Law Enforcement Academy in Bangkok or from in country presentations by U.S. Environmental Protection Agency or Department of Justice experts like those noted in reftel. Such training would dovetail with similar training provided to MONRE environmental inspectors through the USAID-supported Asian

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Environmental Compliance and Enforcement Network.

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